



City of Waukegan
DEPARTMENT OF POLICE

420 Robert V. Sabonjian Place, Waukegan, Illinois 60085
(847) 599-2500

WILLIAM BIANG
CHIEF OF POLICE

RICHARD H. HYDE
MAYOR

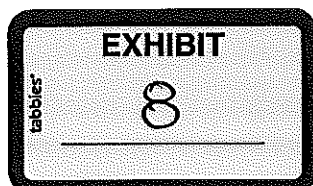
April 7th, 2009

Mike Mermel
18 N. County Street
Waukegan, IL 60085

Dear Mr. Mermel:

In response to the **Request to Produce** letter delivered to me on April 3rd, 2009 the following information was learned regarding the photographs in question.

- 1) Upon receiving the request I spoke with Bureau of Records Supervisor Debra Santiago as to the location of the above mentioned case. I was advised that the only remaining documents associated to the case were retrieved from microfiche and delivered to the proper authority some time ago. I then requested to search the current archive room for the possibility of any documents or photo arrays that may have been overlooked during the original search. On April 3rd, 2009 I searched the archive room for any possible remaining documents or photos associated to the case with negative results.
- 2) The second request asked that I confirm the existence or purging of the manual mug shot books from which photos were selected to show to witnesses in the investigation. As the current Commander of Criminal Investigations I can advise with 100% certainty that these mug shot books are no longer in existence. I cannot advise at what time frame the books were destroyed, however I have direct knowledge that those books did exist at one time.
- 3) The last request asks that I account for the photos currently in your possession of the defendant and how the photos of arrestees/offenders are treated differently than those which were kept in the old mug shot books. After speaking with Debra Santiago I believe that the photos which are in your possession are booking photos taken during the processing of an arrest. Any picture taken and labeled with a letter to start followed by a dash and series of numbers (i.e. F-2405) is an official arrest photo and is permanently stored in the Bureau of Records. Each individual arrested may have multiple photos taken depending on how many times they have been arrested and the time frames of those arrests. Booking photos differed from mug shot book photos in the past in numerous ways.



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April 7, 2009

Mug shot books contained Polaroid photos of particular individuals who have had some type of contact with the Investigation Division. The various subjects were photographed in the Investigations Division, usually with a height chart in the background. After taking the photo it was assigned a simple three or four digit number (i.e. 321) in sequential order of the last photo taken in the book. The photo taker would then write the subjects name, date of the photo, and the subject's date of birth on the back. The photos were then placed in the proper book according to race and gender. The mug shot books were then stacked on a table in the Investigations Division and made available for any Investigators in need of them.

Hopefully this clears up some of your questions. If you need further assistance in this matter please call.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cmdr. Stevenson".

Cmdr. Mark Stevenson

Commander Mark Stevenson
Waukegan Pd.

April 2, 2009

Dear Commander Stevenson,

Please find enclosed copies of defense subpoenas, requesting photos allegedly used with witnesses in the identification of offender Bennie Junior Starks, Waukegan investigation number 86-1898. Previous requests have resulted in the location and production of four photographs, which may or may not have been part of the photo arrays used, but all the produced photographs are of the defendant/offender, Bennie Starks. Your records department has produced a copy of the investigation reports, which do not contain originals or photocopies of the photos selected from "mug shot books" and shown to various witnesses.

In at least one report, there are reference numbers of the photos selected, (see Valko report dated, 1/26/86), and in other reports there is only a reference to having a witness look through "mug books". In the reports that do list numbers, these numbers appear to be "proprietary" in nature, and do not appear to be formatted as current Bureau of Identification numbers, or derived therefrom.

I have been advised that the mug books that were used 23 years ago, have been purged, and a digital system is now in use, using "B of I" format numbers to reference photos of offenders/suspects.

Please confirm in writing that a diligent search has been made in all records related to this investigation, and that no photocopies of the requested photos listed in the subpoena or photocopies of the photo arrays still exist. Further, please confirm in writing, the existence, or purging of the manual mug shot books from which photos were selected to show to witnesses in the investigation. Lastly, the four photos of the defendant that were able to be produced date back to 1977. Please account for how photos of the defendant in this case are still available, but the photo books from the same era are not. Are the photos of arrestees/offenders treated differently than those which were kept in the old "mug books".

While I understand that photos that were current 23 years ago would be of limited value in identifying an offender who would now be substantially older, I need to authoritatively answer the defense request for these photos. If they exist, the defense would certainly be entitled to them.

Thanking you in advance for your efforts in this matter,

Sincerely,

Michael Mermel
Lake County State's Attorney's Office